

U.S. Department of Justice

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November 5, 2021

CERTIFIED MAIL 7018 3090 0000 2849 6597

Ms. Anne Georges Telasco
764 Jay Street
Rochester, NY 14611

Re: Anne Georges Telasco v. US Dep't of Education/GLELSI
Bankruptcy Case No. 2-21-20280-PRW
Adversarial Proceeding No. 21-02003

Dear Ms. Telasco:

I am contacting you as a courtesy regarding the Adversarial Proceeding referenced above.

Federal Rule of Bankruptcy Procedure 7012(a) requires that a complaint be duly served. After proper service, the United States must respond within 35 days from the date the court issues the summons. However, the United States has no obligation to answer an adversary complaint until the complaint is "duly served" as required by Rule 7004. *United States v. McFarren*, CV-01-317-PHX-LOA, 2008 WL 4924782, at *4 (D. Ariz. Nov. 17, 2008) (citing Rules 7004 and 7012(a)).

Federal Rule of Bankruptcy Procedure 7004(a) provides that service is to be made as set forth in Federal Rule of Civil Procedure 4(e)-(j). Rule 4(i) provides the method for serving the United States and its agencies. To comply with that rule, one must send by registered or certified mail a copy of the summons and complaint to the agency, to the U.S. Attorney's Office in the applicable district, and to the United States Attorney General.

You are required, pursuant to Federal Rule of Bankruptcy Procedure 7004(a) and (b)(5), to serve the applicable agency of the United States in addition to the U.S. Attorney for the applicable district and the Attorney General of the United States.

Furthermore, pursuant to Federal Rule of Bankruptcy Procedure 7004(e), Plaintiff must mail a summons and complaint within 7 days from the issuance of the summons to the agency (here the U.S. Department of Education); the U.S. Attorney for the Western District of New York; and the Attorney General of the United


States. To date, our Office has no record of having been served the summons and complaint nor that proof of service upon our office was filed, and as a result, the undersigned believes that the Court lacks personal jurisdiction over the Department of Education.

Federal Rule of Bankruptcy Procedure 7012(a) requires that a complaint be duly served. After proper service, the United States must respond within 35 days from the date the bankruptcy court issues the summons.

I wanted to afford you an additional opportunity to perfect service upon the Attorney General and the U.S. Attorney's Office for the Western District of New York.

Respectfully,

TRINI E. ROSS
United States Attorney
Western District of New York

By: 
JAMES P. KENNEDY, JR.
Assistant U.S. Attorney

cc: Hon. Paul R. Warren
United States Bankruptcy Judge ✓